



UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

FEB 06 2004

Office of the Director
Group 3000

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

WILLIAM S. LOVELL
6435 N. E. NEPTUNE DR.
LINCOLN CITY, OR 97367

In re application of
Brian Maguire
Application No. 10/624,790
Filed: July 21, 2003
For: MUNITIONS MINES

: **DECISION ON PETITION**
: **TO MAKE SPECIAL**
: **(COUNTER TERRORISM)**
:

This is in response to the petition filed on July 31, 2003 to make the above-identified application special on the basis of inventions for countering terrorism as set forth in MPEP § 708.02 XI.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); and (B) a statement explaining how the invention contributes to countering terrorism.

Applicant states that the present invention contributes to countering terrorism by introducing antipersonnel munitions, in the form of what the enemy perceives to be "ordinary" munitions, into the enemies' supplies and supply chains to inflict casualties among enemy forces and to destroy these same supplies. This could be accomplished by removing the delay charges in these munitions and providing them with much more explosive materials such that when activated by the enemy, the munitions and the enemy are destroyed. This is not an acceptable explanation of how the invention would act to counter terrorism because it appears to work, in effect, as a form of "booby trap" in that it seems to hinge on the necessity of having an enemy come into contact with the munitions. While this may work in a battlefield situation or one where an enemy can be infiltrated it seems unlikely with an invisible terrorist threat. Further applicant's statements for special status are not what is claimed as the invention. What applicant has claimed appears to be an ordinary munitions type of device, such as a mine. MPEP § 708.02 XI lists examples of types of inventions that would qualify as countering terrorism. While a grantable petition is not limited to these examples, note that the examples all clearly act to counter terrorism and function primarily as defensive measures against terrorist threats.

Since all of the requirements for special status under MPEP § 708.02 XI have been met, the petition is **DISMISSED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **DISMISSED**.



Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM/cps 1/25/04